

MEMORANDUM FOR : Fred P. Hitz
Legislative Counsel

4 June 1979

FROM :
Assistant Legislative Counsels

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SUBJECT : Classification and Compensation Act of 1979

1. Action Requested: Paragraph three contains a recommendation for your approval. (U/IUO)

2. Background: The undersigned met on 4 June 1979 with Messrs. Raymond Weissenborn, Assistant Director for Policy Analysis, Office of Personnel Management and Robert M. Thrash of his office. Since our earlier efforts to convince Office of Management and Budget (OMB) staff personnel of the veracity of our arguments re this Agency's need for exemption from Section 6 of the new Chapter 50 of the Classification and Compensation Act of 1979 (C&CA) had been poorly received, we determined that it could not hurt to speak with the bill's drafters in a final effort to get our point of view across to someone within the Administration. (U/IUO)

In a more thorough form than appears herein we detailed the following arguments to the gentlemen from OPM:

- DCI primary authority abrogated by proposal.
- Conflict of law created by two "notwithstanding" provisions in diverse bills, i.e. C&CA & CIA Act of 1949.
- Argument not with Presidential authority to modify or abolish systems but rather with intervention by outside agency, i.e. OPM.
- President already has authority in fact as chief of Executive Branch.
- OPM does not/should not want to become involved in classified National Security matters.
- Administration and President have consistently stood for less vice more dissemination of classified intelligence material within the Government.
- Legislative history since 1947 has pointed us in entirely different direction than this one item in one bill. Most recent and telling example is all but total CIA exemption from Civil Service Reform Act of 1978, of which C&CA is but a second stage.

After some discussion the gentlemen agreed that we had made a good case for exemption, particularly since we are exempted from other parts of reform package. They asked that we address a letter to OPM Chairman Alan K. "Scottie" Campbell making the points that we had made to them.

While noting that it was too late to amend the current version of the C&CA which will be introduced at 1100 hours on Wednesday, 6 June 1979, it was agreed that a Committee amendment would be a likely possibility. On this note we explained to the gentlemen that the same approach had been taken on the Civil Service bill with the strong support of Messrs. Campbell, Sugarman and Swygert of OPM (then Civil Service Commission). (U/IUO)

3. Recommendation: That you forward for the signature of the Director the attached letter to Chairman Campbell explaining our position and requesting his assistance. A courtesy copy of the letter will, with your approval, also be forwarded to Mr. Weissenborn. (U/IUO)

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Assistant Legislative Counsel

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Approval: _____

Disapproval: _____